

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 16-00117-01-CR-W-HFS
)	
MICHAEL L. PAZIENZA,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

On March 7, 2016, a Criminal Complaint was filed against defendant Michael L. Pazienza. On March 30, 2016, the Grand Jury returned a one-count indictment against defendant Pazienza charging defendant with being a felon in possession of a firearm and ammunition.

On March 16, 2016, defense counsel filed a Motion for Psychiatric Examination. Counsel requested that the Court order a psychiatric examination to determine whether defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceeding against him or to assist properly in his defense. On April 8, 2016, the Court ordered that defendant undergo a psychiatric or psychological examination.

Defendant Pazienza was examined at the Federal Medical Center in Lexington, Kentucky. On July 25, 2016, a Forensic Report was filed with the Court. The Forensic Report was prepared by Judith (Betsy) Campbell, Ph.D., Forensic Psychologist. The report concluded:

In summary, at the present time, Mr. Pazienza does not appear to be suffering from a mental condition which prevents him from proceeding competently to trial. Mr. Pazienza displayed a factual and rational understanding of the proceedings against him and demonstrated sufficient present ability to consult with his attorney with a reasonable degree of rational understanding. In addition, he demonstrated the ability to discuss his behavior leading up to the alleged offense

and exhibited the ability to think rationally about the consequences of those behaviors. Over the course of the evaluation, Mr. Pazienza was able to exhibit insight regarding the appearance of his behavior and was able to talk calmly and rationally about events leading up to his current charges.

Therefore, based on the available information, in the opinion of the undersigned evaluator, Mr. Pazienza is not currently suffering from a mental disease or defect rendering him mentally incompetent to the extent he is unable to understand the nature and consequences of the proceedings against him or properly assist in his defense. Thus, in the opinion of the examiner, Mr. Pazienza is currently competent to stand trial.

(Forensic Report (doc #17) at 8)(emphasis in original)

On August 12, 2016, a competency hearing was held before the undersigned. Defendant Pazienza appeared with counsel, Assistant Federal Public Defender Ronna Holloman-Hughes. The government was represented by Assistant United States Attorney Bruce Rhoades. The only evidence presented at the hearing was the Forensic Report prepared by Judith (Betsy) Campbell, Ph.D., Forensic Psychologist.

As set forth above, Dr. Campbell opined that “Mr. Pazienza is not currently suffering from a mental disease or defect rendering him mentally incompetent to the extent he is unable to understand the nature and consequences of the proceedings against him or properly assist in his defense,” and that “Mr. Pazienza is currently competent to stand trial.” (Doc #17 at 8)

Based upon the information before the Court, it is

RECOMMENDED that the Court, after making an independent review of the record and applicable law, enter an order finding that defendant Michael L. Pazienza is not currently suffering from a mental disease or defect which would prevent him from understanding the nature and consequences of the proceedings against him or assisting in his defense.

Counsel are reminded they have fourteen days from the date of this Report and

Recommendation within which to file and serve objections. A failure to file and serve timely objections shall bar an attack on appeal of the factual findings in this Report and Recommendation which are accepted or adopted by the district judge, except on grounds of plain error or manifest injustice.

/s/ Sarah W. Hays
SARAH W. HAYS
UNITED STATES MAGISTRATE JUDGE